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Patent Docket No.: UN 99 006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

STONE et al.

Serial No.: 09/469,505

Filed: December 22, 1999

For: AN OVERLAY NETWORK FOR
TRACKING DENIAL-OF-SERVICE FLOODS
IN UNRELIABLE DATAGRAM DELIVERY
NETWORKS

RECEIVED

JUN 27 2001

Group Art Unit: 2787

Technology Center 2100

Examiner: Unassigned

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JUN 29 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. 1.47(a)

Box DAC

Hon. Assistant Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Sir:

In the Decision Refusing Status under 37 C.F.R. § 1.47(a) mailed on March 19, 2001, the U.S. Patent and Trademark Office indicated that the Petition under 37 C.F.R. § 1.47(a) filed February 8, 2001 was dismissed because it lacked (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration. Applicants reply with the following submission to meet the requirements for acceptance of the petition under 37 C.F.R. § 1.47(a).

In yet another attempt to have Matthew J. Sibley execute the Declaration, the undersigned located Mr. Sibley's last known address based upon the suggestion of the Petitions Examiner. The undersigned then requested, in a cover letter sent to Mr.

Sibley's last known residence address, that co-inventor Mr. Sibley review a copy of the specification, claims and drawings, and return an executed copy of the Declaration and Assignment. (see ATTACHMENT A, Oakes' Letter to Sibley, June 1, 2001). The last known residence address for Mr. Matthew J. Sibley is:

5245 West Runningbrook Rd., Apt. 201
Columbia, MD 21044

As evidenced by a copy of the Return Receipt (ATTACHMENT B, Return Receipt Copy) the letter was received and signed for by Diane M. Sibley. The date (June 14, 2001) in which the formal documents were requested to be returned has passed and Applicants' representative has yet to receive any indication that the Declaration has been signed. Furthermore, the undersigned received no further evidence that Mr. Sibley will be executing the Declaration.

Based upon the above-described communication to Mr. Sibley, and based upon information and belief that the letter requesting signature of the declaration and Assignment documents after review of the specification drawings and claims were sent to and received at Mr. Sibley's last known address, Mr. Sibley is unwilling to execute the Declaration.

Thus, Applicants respectfully submit that sufficient proof has been provided indicating that the non-signing inventor refuses to sign the oath or declaration, and that the Declaration, previously submitted on April 6, 2000, is acceptable under 37 C.F.R. § 1.63. Additionally, the appropriate petition fee accompanied the Petition, and Mr. Sibley's last known address has been provided above.

Thus, in view of this Petition and the previous submissions, the granting of this Petition is respectfully requested.

Please charge any shortage in the fees due in connection with the filing of this petition, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian C. Oakes", written in a cursive style.

Brian C. Oakes
Registration No. 41,467

WorldCom, Inc.
1133 19th Street, N.W.
Washington, DC 20036
(202) 736-6371
Date: June 19, 2001
Facsimile: 202-736-6824

ATTACHMENT A

Oakes' Letter to Sibley dated June 1, 2001

WORLD COM

VIA EXPRESS (ET508446035US)
W/ RETURN RECEIPT REQUEST



Law and Public Policy
Technology Law Group
1133 19th Street, NW
Washington, DC 20036

CONFIDENTIAL
ATTORNEY/CLIENT
PRIVILEGED INFORMATION

June 1, 2001

Matthew J. Sibley
5245 West Runningbrook Road, Apt. 201
Columbia, Maryland 21044
Ref. No.: UUN-99-006

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Technology Center 2100

Dear Mr. Sibley:

Several attempts have been made to reach you in regards to a patent application entitled "An Overlay Network for Tracking Denial-of-Service Floods in Unreliable Datagram Delivery Networks", filed December 22, 1999 with the United States Patent and Trademark Office (USPTO). You are named as a co-inventor of the application, and your signature on some formal filing papers is required.

Enclosed are copies of the Assignment and Declaration, the specification, claims, and drawings for your review and signature. Please review and sign the enclosed Assignment and Declaration forms so that we can make a timely response to the USPTO.

Please return these papers, in the enclosed postage paid envelope to us by close of business by June 14, 2001 at:

WorldCom, Inc.
Technology Law Department
[9854/003]
1133 19th Street, NW
Washington, DC 20036
Attn: Brian C. Oakes

Otherwise, we will assume you are either unwilling or unable to cooperate in this regard. If you have further questions, please feel free to contact me directly. Thank you in advance for your assistance in this matter.

Best regards,

Brian C. Oakes
Associate Technology Counsel
Patent Acquisition Team
Tel: (202) 736-6371
Fax: (202) 736-6382

Enclosures

ATTACHMENT B

Copy of Return Receipt

SENDER:

Complete items 1 and/or 2 for additional services.
 Complete items 3, 4a, and 4b.
 Print your name and address on the reverse of this form so that we can return this card to you.
 Attach this form to the front of the mailpiece, or on the back if space does not permit.
 Write "Return Receipt Requested" on the mailpiece below the article number.
 The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:

Matthew J. Sibley
 5245 West Runningbrook Rd
 Columbia Md 21044

4a. Article Number
 ET508446035US

4b. Service Type
☐ Registered
☒ Express Mail
☐ Return Receipt for Merchandise
☒ Certified
☐ Insured
☐ COD

7. Date of Delivery
 6-2-01

5. Received By: (Print Name)
 Digne M. Sibley

6. Signature: (Addressee or Agent)
 X *Digne M. Sibley*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

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 Postage & Fees
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 Permit No. G-10

Print your name, address, and ZIP Code in this box

WorldCom, Inc.
 1133 19th St. NW
 Dept. 9854/003
 Washington DC 20036
 Attn: Brian C. Oakes

JUN 5 2001

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